

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF OKLAHOMA

State of Oklahoma, et al.
Plaintiff(s)

vs.

Case Number: 4:05-cv-00329-TCK-SAJ

Tyson Foods, Inc. et al.
Defendant(s)

SUBPOENA IN A CIVIL CASE

TO: Bev Saunders
c/o D. Kenyon Williams, Jr., Esq.
Hall, Estill, Hardwick, Gable, Golden & Nelson
320 South Boston Avenue, Suite 400
Tulsa, OK 74103-3708

☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
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☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):
SEE ATTACHED EXHIBIT TO SUBPOENA

PLACE Riggs, Abney, Neal, Turpen, Orbison & Lewis, 502 W. 6 th St., Tulsa, Ok 74119	DATE AND TIME October 9, 2006 @ 9:00 a.m.
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☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
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Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT) 	DATE 9-27-06
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ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER
Richard T. Garren, OBA #3253, Attorney for Plaintiff
502 W. 6th St.
Tulsa, Ok 74119
918/587-3161

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D)

¹ If action is pending in district other than district of issuance, state district under case number.

Exhibit 2

PROOF OF SERVICE

DATE

PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

EXHIBIT TO SUBPOENA DUCES TECUM - DOCUMENT REQUEST

When used herein the term “poultry waste” means poultry litter or poultry feces and any additional material that may be mixed with it such as bedding material, shavings, rice hulls and the like.

1. Copies of all licenses and renewals of licenses issued by ODAFF (Oklahoma Department of Food & Forestry).
2. Poultry farm operational guidelines, handbooks or manuals including any amendments thereto.
3. Integrator guidelines, manuals or handbooks including any amendments thereto.
4. All nutrient management plans effecting any land owned by you or poultry growing operation operated by you (current and past).
5. All animal waste management plans effecting any land owned by you or poultry growing operation operated by you (current and past).
6. Any email, correspondence or document (including any drafts of the same) received from the poultry integrator company, supplying poultry to your operation in the period January 1, 2004 to present concerning:
 - a. Any document or record reflecting or referring to all operational requirements of your poultry growing operation;
 - b. The subject of the federal court lawsuit brought by the State of Oklahoma against several poultry integrator companies. (*State v. Tyson et. al.* Northern District of Oklahoma case number cv-0329-tck-saj)
7. All records required to be maintained by ODAFF in accordance with the Oklahoma Registered Poultry Feeding Operations Act or rules promulgated thereunder, including but not limited to:
 - a. The certificates for educational courses attended for 2005-2006 (Tit.2 OSA Sec.10-9.5);
 - b. Soil and poultry waste analysis data for as long as your poultry operation site was in operation (2 OSA Sec. 10-9.7(e)(2));
 - c. Records of all poultry waste given or sold to another for for as long as your poultry operation site was in operation;
 - d. Records of all poultry waste applied or spread on land in which you have an ownership or leasehold interest for for as long as your poultry operation site was in operation;
 - e. Records of all poultry waste generated at your farming facility that was stored, applied or spread on land of another with or without compensation, trade, or barter for as long as your poultry operation site was in operation.
 - f. Records of all poultry waste generated that was stored, applied or spread on your land by another with or without compensation, trade, or barter for as long as your poultry operation site was in operation.
8. Records of any other disposition or transfer of poultry waste not contained in either 7(c) through 7(f) above.
9. All records, correspondence and email (including documents down loaded from its website) you received or obtained from the entity, or agents for such entity, known as Poultry Partners during 2004-2006 concerning:

- a. Any change in operational requirements of your poultry growing operation;
 - b. The subject of the federal court lawsuit brought by the State of Oklahoma against several poultry integrator companies. (State v. Tyson et. al. Northern District of Oklahoma case number cv-0329-tck-saj)
10. Any document containing bio-security guidelines or regulations for your poultry growing operation.
11. Any document, invoice, bill of lading, receipt, delivery ticket, statement, correspondence, email or other such record received by you from or sent by you to any person or entity concerning:
 - a. the clean out of poultry waste from your poultry houses;
 - b. the amount of waste produced from your poultry growing operation;
 - c. the amount of land application of poultry waste on your land;
 - d. the amount of land application of poultry waste on land of another;
 - e. the amount of poultry waste given, sold or disposed of by you or your agent to another person or entity;
 - f. the name of every person receiving poultry waste from your poultry growing operation;
 - g. the location of the site receiving any disposition of poultry waste from your poultry growing operation for each of the years you have operated a poultry growing operation.
12. All documents, correspondence, drafts, settlement or closing statements, notes, mortgages or other records relating to or associated with any loans obtained by you in purchasing the land, building or equipment used directly or indirectly with your poultry growing operation.
13. All documents and records reflecting the constituents contained in the poultry waste generated at your poultry growing operation.
14. All documents and records reflecting the amount of poultry (chickens, turkeys, pullets, layers, hens) grown at your poultry growing operation each year for the period you have operated a poultry growing operation.
15. True and correct copies of Federal and State income tax returns for the years 2000 to present.
16. All grower contracts with any Poultry Integrator Defendant.
17. All feed delivery record receipts.
18. All documents and materials reflecting, relating, or referring to the ingredients and composition of your present and historical feed formula used at your poultry growing operation.
19. All Integrator service technician reports, recommendations, advice, notices and farm visit reports.
20. All documents and materials reflecting, referring or relating to any reports, studies, analyses, testing, investigations or research of the composition of any well water, spring water, pond water, or creek water on, in or under your land from 1960 to present.
21. All documents and records reflecting or referring to any and all hormones, antibiotics or other medicines administered at any time to the poultry while in your care or custody
22. All documents and records reflecting or referring to any and all herbicides and

- commercial fertilizer applied to your lands for any of the last fifteen (15) years.
23. All documents, correspondence, records, notes, scripts, electronic recordings (audio and video), and electronically stored information reflecting, referring, or relating to any and all media activities in which you have been involved directly or indirectly from 2004 to present regarding poultry farmers or waters of the State of Oklahoma.
 24. All documents and materials reflecting, referring or relating to any reports, studies, analyses, investigation or research supporting the statement, "Truth is we're only applying what the law allows and what is environmentally sound."
 25. All documents and materials reflecting, referring or relating to any communication or correspondence from or to any representative, officer, agent, or employee of:
 - a. Poultry Community Council;
 - b. Poultry Partners, Inc.;
 - c. Poultry.org;
 - d. Oklahoma Poultry.org.
 - e. BMP, Inc.

Revised 9/26/06